IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3914 OF 2005

Amit B. Dalal : Petitioner

V/s.

Lydia Luis : Respondent

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Mr.R.S.Apte with Mr.M. Limaye for the petitioner.

Mr.K.D.Jha for the respondent.

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CORAM : S.A. BOBDE, J.

June 14, 2005.

P.C.:

1. Rule.

Mr.Jha, learned counsel, appears and waives service of rule on behalf of the respondent.

Rule is made returnable forthwith and heard by consent.

2. The petitioner has filed an appeal against the order of the competent authority, Konkan Division, Mumbai, before the Addl. Commissioner, Konkan Division, Mumbai. Admittedly, the application for stay preferred by the petitioner has not been decided. Having regard to the circumstances of the case, the following order is passed

by consent:-

O R D E R

(i) That the appeal before the Addl. commissioner, Komkan Division, Mumbai, at exh.‘C’ to this petition against the judgement in Case No.15/2004 shall be decided by the Additional Commissioner, Konkan Division, Mumbai, within three months from the date the parties appear before him. The parties are directed to appear before the Addl. Commissioner on 27.6.2005.

(ii) There shall be a stay of eviction upon the petitioner depositing a sum of Rs.1,10,000/- within a period of two weeks from today before the competent authority on account of compensation at the rate determined by the trial Court. In case the order is adverse to the petitioner, it shall not be implemented for a period of two weeks. All contentions on merits are kept open.

3. The petition is disposed of.

Sd/-

S.A. BOBDE, J.